

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

VICENTE DEJESUS : **DOCKET NO. 2:10-cv-475**
A093334598 : **Section P**

VS. : **JUDGE MINALDI**

PHILLIP MILLER, ET AL. : **MAGISTRATE JUDGE KAY**

REPORT AND RECOMMENDATION

Currently before the court is a petition for writ of *habeas corpus* filed by *pro se* petitioner, Vicente DeJesus, pursuant to 28 U.S.C. § 2241. This matter has been referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. §636(b)(1)(B).

Petitioner did not provide the court with any information regarding his citizenship, his time held in custody, or his removal order. However, based on his pleadings, it is clear that he was contesting his continued incarceration and was seeking to have this court order his release from custody. At the time of filing, the petitioner was housed at the Federal Detention Center in Oakdale, Louisiana.

Petitioner's March 15, 2010, petition is the only correspondence sent to the court from petitioner. On March 31, 2010, the court sent petitioner correspondence informing him that he failed to submit a filing fee or a completed IFP application. Doc. 2. The correspondence was returned to the court from the Federal Detention Center in Oakdale, Louisiana, with a notation that the petitioner was not at that facility.

In light of the information on the Federal Bureau of Prison's website which establishes that the petitioner was released from detention custody on March 18, 2010, the court finds that a challenge to his detention is now moot and should be dismissed.

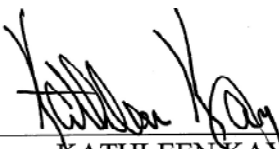
Accordingly,

IT IS RECOMMENDED that the petition be DENIED and DISMISSED as moot.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have fourteen (14) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE AND SIGNED, in Chambers, at Lake Charles, Louisiana, this 15th day of June, 2010.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE